

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO


R. H. H. H. H.
CLERK

ENTERED ON DOCKET

Furthermore, no matter how sympathetic a plea of changed circumstances may be, home confinement under § 5F1.2 of the United States Sentencing Guidelines may not be considered as an

alternative sentence during a valid prison term. *Moresco v. United States*, 982 F.2d 529 (Table, text in Westlaw), 1992 WL 372399, at *2 n.3 (10th Cir. 1992); *cf. Prows v. Federal Bureau of Prisons*, 981 F.2d 466, 469-70 (10th Cir. 1992) (BOP has discretion as to pre-release home confinement), *cert. denied*, 510 U.S. 830 (1993); and *cf. United States v. Maples*, 95 F.3d 35, 37 (10th Cir. 1996) (§ 5K2.0 factors considered as a discretionary matter at sentencing), *cert. denied*, --- U.S. ---, 117 S.Ct. 716 (1997). Because the Court has no authority to grant the relief sought by Defendant, the motion for early release will be denied.

IT IS THEREFORE ORDERED that the motion for early release is hereby DENIED, and this civil proceeding is DISMISSED.



UNITED STATES DISTRICT JUDGE